

**Appendix A**  
**List of Preparers**

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## APPENDIX A

# Draft EIS List of Preparers

Organization/Name	Primary Responsibilities	Qualifications
<b>CH2M HILL INC</b>		
Brad Heimlich P.E., Project Manager	Project management, environmental impact analysis; EIS preparation; public involvement; agency coordination	B.S., Civil Engineering, 15 years of experience in project management, highway design, and highway corridor studies.
Jeff Bauer P.E., Senior Engineer	EIS preparation and engineering studies, community liaison and public involvement	B.S., Civil Engineering, 10 years of experience in project management, highway design, and highway corridor studies.
Brian Roper P.E., Traffic Engineer	Traffic engineering and review of traffic/operational data	M.S., Civil Engineering, 13 years of experience in transportation planning, traffic engineering, & environmental studies.
Theresa Reger E.I.T., Design Engineer	EIS preparation and engineering studies, community liaison and public involvement	B.S., Civil Engineering, 2 years of experience in transportation engineering
Dave Rodebaugh Project Planner	Data gathering; EIS preparation, public involvement	M.S., Urban and Regional Planning; 6 years of experience in transportation planning.
Dan Dupies Project Planner	Data gathering; EIS preparation; public involvement	M.S., Urban Planning; 12 years of experience in environmental studies/planning, and public involvement.
<b>TEM Inc.</b>		
Mary Ellen O'Brien, Transportation Environmental Specialist	Environmental impact analyses; EIS preparation; public involvement; agency coordination	B.S. and M.S., Environmental Sciences, Ph.D. course work in Land Resources; 21 years of experience in transportation environmental studies and EIS preparation.
<b>Archaeological Research Inc.</b>		
David Keene	Archaeological resource impact evaluation	B.A., M.S., Ph.D., Anthropology; 20 years experience in Cultural Resource Management.
Dan Cain	Archaeological resource impact evaluation	B.A. in History and Anthropology, M.S. in Anthropology; 6 years of experience in Cultural Resource Management.
George Christiansen	Archaeological resource impact evaluation	B.S. and M.A., Anthropology and Archaeology, ABD Ph.D. Anthropology; 13 years of experience in Cultural Resource Management.

Organization/Name	Primary Responsibilities	Qualifications
<b>Heritage Research LTD.</b>		
John Vogel, Ph.D. Historian	Historic resource impact evaluation	Ph.D., History; 20 years of experience in cultural resource management
Traci Schnell Architectural Historian	Historic resource impact evaluation	B.A. and M.A., Art History; 5 years of experience in cultural resource management
<b>Casper Consulting</b>		
Gary Casper	Butler's garter snake study	B.S. Zoology and Biological Aspects of Conservation; 20 years experience herpetology and environmental consulting
<b>Wisconsin Department of Transportation</b>		
Roger Cupps	WisDOT project supervisor, public involvement, review of engineering studies and EIS preparation for policy aspects.	B.S., Civil Engineering; 32 years experience in design and planning.
Brian Bliesner	WisDOT project manager, public involvement, review of engineering studies and EIS preparation for policy aspects.	B.S., Civil Engineering; 14 years experience in design and planning.
Linda Hoehne	WisDOT District 2 Environmental Coordinator	M.S., Biology/Terrestrial Ecology; experience since 1979 in conducting natural resource surveys. Experience since 1998 in highway project development and environmental review.
Jay Waldschmidt, P.E.	EIS review for environmental aspects and legal sufficiency	B.S., Civil Engineering, B.S., Mining Engineering; experience since 1989 in highway project development and environmental review.
<b>Federal Highway Administration</b>		
Jaclyn D. Lawton, P.E.	EIS review for environmental aspects	B.S., Civil Engineering; experience since 1975 in highway project development and environmental review.
Richard Madrzak, P.E.	EIS review for environmental and design aspects	B.S., Civil Engineering; experience since 1969 in highway project development and environmental review.
Roger Szudera	EIS review for Social and Economic aspects, including Relocation Assistance	B.S., Agricultural Economics, experience since 1969 in right-of-way acquisition, environmental document preparation, and review.

**Appendix B**  
**Distribution List**

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## APPENDIX B

# Draft EIS Distribution List

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## Federal Agencies

U.S. Department of Transportation, Office of the Secretary  
U.S. Army Corps of Engineers  
U.S. Environmental Protection Agency  
U.S. Department of the Interior–Bureau of Indian Affairs  
U.S. Department of the Interior–Fish and Wildlife Service  
U.S. Department of the Interior–Office of Environmental Policy and Compliance  
U.S. Department of Agriculture–Natural Resources Conservation Service  
U.S. Department of Housing and Urban Development  
U.S. Department of Commerce  
National Center for Environmental Health and Injury Control

## State Agencies

Wisconsin Department of Transportation (various Divisions)  
Wisconsin Department of Administration  
Wisconsin Department of Natural Resources  
Wisconsin Department of Agriculture, Trade, and Consumer Protection  
State Historical Society of Wisconsin  
Wisconsin Legislative Fiscal Bureau  
State Reference and Loan Library  
U.S. Department of the Interior – National Park Service Advisory Council on Historic Preservation

## Federal and State Elected Officials

Governor Scott McCallum  
Honorable Herbert Kohl (U.S. Senator)  
Honorable Russell Feingold (U.S. Senator)  
Honorable Jerry Kleczka (U.S. Congressman)  
Honorable Jim Sensenbrenner (U.S. Congressman)  
Honorable Margaret Farrow (Lieutenant Governor)  
Honorable Joanne Huelsman (State Senate)  
Honorable Alberta Darling (State Senate)  
Honorable Frank Urban (State Assembly)  
Honorable Daniel Vrakas (State Assembly)  
Honorable Suzanne Jeskewitz (State Assembly)

## Local Units of Government / Interest Groups

City of Pewaukee  
Village of Pewaukee  
Village of Sussex  
Town of Richfield  
Town of Polk  
Town of Lisbon  
Project Advisory Committee Members  
Waukesha County Transportation Department  
Southeast Wisconsin Regional Planning Commission  
Village of Pewaukee Public Library  
Sussex Public Library  
Pewaukee Area Historical Society  
Washington County Historical Society  
Waukesha County Historical Society  
Highway J Citizens Group (representatives Jeff Gonyo and Raymond Cox)  
Native American Interests

Appendix C  
**Agency Correspondence**

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State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor  
George E. Meyer, Secretary

Box 7921  
101 South Webster Street  
Madison, Wisconsin 53707-7921  
TELEPHONE 608-266-2621  
FAX 608-267-3579  
TDD 608-267-6897

July 15, 1999

IN REPLY REFER TO: 1650

Mary Ellen O'Brien  
Transportation Environmental Management  
313 Price Place, Suite 207  
Madison, WI 53705

SUBJECT: Endangered Resources Information Review (Log Number 99-116)

Dear Ms. O'Brien:

The Bureau of Endangered Resources has reviewed the project area described in your letter for the environmental study for the proposed widening of STH 164 from two to four lanes between Capitol Drive in Waukesha County and STH 175 in Washington County.

Our Natural Heritage Inventory data files contain information on the following rare species for the project corridor located in  
in Waukesha County, as well as  
in Washington County.

In addition to the actual project site, I am providing endangered resource information for an area within five miles of the project's location. This information is provided so impacts to nearby endangered resources can be assessed and to assist in determining which rare species may occur in the project's impact area if appropriate habitat exists. If the described habitat types occur in the project's impact area, then species that occur nearby may be present. The species information provided includes the location, date of the most recent observation, and other information useful in planning protection measures. Rare resources occurring within or near the project corridor include:

*Noturus exilis* (slender madtom), a fish listed as Endangered in Wisconsin, occurs in the Oconomowoc River. The observation date for these occurrence records is 1995. This species prefers clear, moderate to swift currents of streams and large rivers over bottoms of gravel and boulders interspersed with fine sand. Spawning occurs from late May through late June.

*Acris crepitans blanchardi* (Blanchard's cricket frog), a frog listed as Endangered in Wisconsin, occurs in Loew's Lake and the Bark River Fen. The observation dates for these records is 1985 and 1987, respectively. This species prefers marshes along rivers and river floodplains, fens, low prairies, and mud flats with abundant emergent vegetation. The breeding season occurs from late March through early August.

*Venustaconcha ellipsiformis* (ellipse), a mussel listed as Threatened in Wisconsin, occurs in Cedar Creek. The observation date for this occurrence record is 1977. This species prefers shallow, flowing, clean small streams with stable substrate in the eastern and southern part of the state. It has also been recorded from the western part of the state.

Specific location information intentionally  
deleted per DNR request



*Etheostoma microperca* (least darter), a State Special Concern fish, occurs in the Oconomowoc and Bark Rivers. The observation date for these occurrence records is 1975. This species prefers clear, warm, quiet waters of small streams, ponds, pools, and lakes over substrates of gravel, silt, or sand. Spawning occurs from mid-April through early July.

*Erimyzon sucetta* (lake chubsucker), a State Special Concern fish, occurs in the Oconomowoc River. The observation date for these occurrence records is 1994. This species prefers lakes, oxbow lakes, sloughs of large rivers and quiet streams with dense vegetation over bottoms of sand, gravel, or rubble. Spawning occurs from late March through early July.

*Poanes massasoit* (mulberry wing), a State Special Concern butterfly, occurs in \_\_\_\_\_ and has been reported from the Bugline Recreational Trail. The observation date for this record is 1992. This species prefers sedge meadows. The flight period is July.

*Lycaena xanthoides* (great copper), a State Special Concern butterfly, occurs in \_\_\_\_\_ and has been reported from the Bugline Recreational Trail. The observation date for this record is 1992. This butterfly prefers native prairies, pastures and weedy fields. Its flight period is June through July.

*Euphyes dion* (sedge skipper), a State Special Concern butterfly, occurs in \_\_\_\_\_ and has been reported from Freiss Lake Sedge Meadow. The observation date for this occurrence record is 1992. This species prefers open marshes, bogs, swamps, and wet meadows with tussock sedges. Caterpillar host plants include sedges and bulrushes. Their flight times are in mid May.

**Tamarack Fen**, occurs in \_\_\_\_\_ in Heritage Hills County Park. This relatively undisturbed boggy swamp is dominated by tamaracks with red maple, black ash, and paper birch, as well as numerous shrub and herb species; swamp hardwoods and tall shrubs are more dominant to the south. This fen is formed by a depression in interlobate moraine, which contains several wetland communities.

In addition to the above information, our data files also contain historical records (records 25 years or older) of rare species known to occur within the project corridor. Unfortunately, the Bureau does not have more current survey information documenting the continued existence of these species in this area. I am including these older records as an indication of species which may still occur in the project area if appropriate habitat exists:

*Thamnophis butleri* (Butler's garter snake), a snake listed as Threatened in Wisconsin, is known to have occurred in the Cedar Lake area, \_\_\_\_\_. This species prefers wet-mesic prairies, marshes and adjacent grassy and vacant areas. The breeding season occurs from late March to late April.

*Cypripedium parviflorum* (small yellow lady's slipper), a State Special Concern plant, is known to have occurred at Loew's Lake, \_\_\_\_\_. This species prefers damp woods, bogs, and meadows. Blooming occurs from mid-May through June.

*Ptelea trifoliata* (hop tree), a State Special Concern plant, is known to have occurred in \_\_\_\_\_. This species prefers moist or rich woods and thickets and is found chiefly along major rivers. Blooming occurs from late May through June.

Special Concern species are species about which some problem of abundance or distribution is suspected but not yet proved. The main purpose of this category is to focus attention on certain species before they become endangered or threatened.

The specific location of endangered resources is sensitive information that has been provided to you for the analysis and review of this project. Exact locations should not be released or reproduced in any publicly disseminated documents.

Although the Butler's Garter Snake and Ellipse Mussel are not presently known from project corridor, recent surveys have found these species to occur in areas within watersheds that they were either found historically or may not have been surveyed previously. It is likely these species may occur in the project area and surveys would be recommended if areas of suitable habitat cannot be avoided.

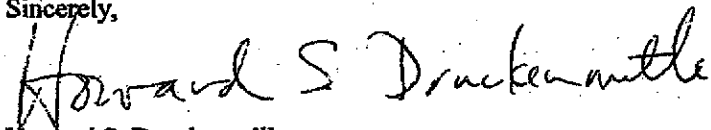
In addition to the two species noted above, if the proposed project will impact any of the other habitats mentioned above, it is also recommend that these areas be avoided during the planning stage. If avoidance is not possible surveys may be recommended for the respective species. If rare species are located in the proposed project impact area, then construction location may need to be altered or other measures taken to avoid impacting them. Please contact BER staff for additional recommendations regarding surveys if necessary.

Comprehensive endangered resource surveys have not been completed for the project area. As a result, our data files may be incomplete. The lack of additional known occurrences does not preclude the possibility that other endangered resources may be present.

**This letter is for informational purposes and only addresses endangered resource issues. This letter does not constitute Department of Natural Resources authorization of the project and does not exempt the project from securing necessary permits and approvals from the Department.**

Please contact Helen Elise Kitchel at (608) 266-5248 if you have any questions about this information.

Sincerely,



Howard S. Druckenmiller  
Director, Bureau of Endangered Resources

cc: Vic Pappas - SER/Milwaukee



## State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor  
Darrell Bazzell, Secretary  
Gloria L. McCutcheon, Regional Director

Southeast Region Headquarters  
2300 N. Dr. Martin Luther King, Jr. Drive  
PO Box 12436  
Milwaukee, Wisconsin 53212-0436  
Telephone 414-263-8500  
FAX 414-263-8606  
TTY 414-263-8713

March 2, 2001

Brad Heimlich, P.E.  
CH2M Hill  
135 South 84th Street  
Milwaukee, WI 53214

Subject: STH 164 - Capitol Drive to 175  
WI-DOT# 2748-01-01  
Waukesha County

Dear Mr. Heimlich:

The Department of Natural Resources concurs with the Purpose and Need (Section 1) and Alternatives (Section 2) Sections of the Draft Environmental Impact Statement (EIS) for the project listed above. This concurrence states that reasonable alternatives were investigated.

The Department will continue to be involved in the planning, design and construction phases of this project. If you have any questions, please call me at (414) 263-8613.

Sincerely,

Maureen Millmann  
Environmental Coordinator

Cc: Brian Bliesner, WI-DOT, Project Manager  
Karla Leithoff, WI-DOT, District 2, Wetland Ecologist  
Linda Hoehne, WI-DOT, District 2, Environmental Coordinator  
Dan Dupies, CH2M Hill, Project Planner

C-2



# State Historical Society of Wisconsin

816 State Street ♦ Madison, Wisconsin 53706-1488 ♦ 608/264-6400 ♦ Fax: 264-6504

Division of Historic Preservation  
608/264-6500

February 6, 2001

Ms. Carol Cutshall, Director  
Bureau of Environment  
Wisconsin Department of Transportation  
Room #451  
Hill Farms State Transportation Building

In Reply Please Refer To SHSW #01-0081/WK/WT  
RE: Reconstruct CTH j (STH 164): I-94 - CTH E  
DOT ID: 2748—01-01/Washington/Waukesha

Dear Ms. Cutshall:

The Division is in receipt of your Architecture/History Survey and Archeological Survey Reports for the above-referenced project. Our comments are as follows:

## Architecture/History Survey

We concur with your consultants' recommendation to develop Determinations of Eligibility for the following three properties: F. Otis Property, Lishka-Schmidt Saloon, and the W. Westphal Farmstead. We look forward to receiving those Determinations Of Eligibility once they have been developed.

## Archeological Survey Reports

We concur with your consultants' recommendation that the top soil be stripped in the area between the fence line of St. Columba Catholic Cemetery and the current roadway to ensure that there are no unmarked burials in the road right-of-way. This work should be completed under the supervision of a qualified archeologist.

The archeological report indicates that 47-WT-105 may be located within the proposed right-of-way. Archeological investigations failed to identify the site. However, it is possible that burials could be encountered during construction.

Based on a meeting with Jacki Lawton, FHWA, and Sherman Banker, Compliance Archeologist, on February 2, 2001, it was agreed that that a qualified archeologist will monitor the stripping of the top soil to determine if there are any burials in the right-of-way in the area of 47-WT-105.

If any have questions about this project review, I can be reached at 608 264 6506 or by email at [raberstein@mail.shsw.wisc.edu](mailto:raberstein@mail.shsw.wisc.edu).

Sincerely,

Richard A. Bernstein  
Compliance Historian



# State Historical Society of Wisconsin

816 State Street • Madison, Wisconsin 53706-1488 • 608/264-6400 • Fax: 264-6504

Division of Historic Preservation  
608/264-6500

April 6, 2001

Mr. Bob Newbery  
Bureau of Environment  
Wisconsin Department of Transportation  
Room #451  
Hill Farms State Transportation Building

In Reply Please Refer To SHSW #01-0081/wt/wk  
RE: STH 164 Corridor Study  
DOT ID: 2743-01-01/Washington/Waukesha

Dear Mr. Newbery:

The Division is in receipt of the Determinations of Eligibility for the above-referenced project. We concur with your consultant's conclusion that the Lishka-Schmidt saloon and the Wittenberger-Westpahl Farmstead are not eligible for listing in the National Register of Historic Places. In regards to the William Spink Saloon and Residence, we recommend that further investigations be undertaken.

More specifically we would suggest that at a minimum you consider the following two options:

- 1) We believe the property may be eligible under Criterion D and that further testing should be undertaken. Testing should be targeted for areas of high probability, such as a privy or well feature, that is likely to contain materials associated with its historic use during the mid nineteenth century.
- 2) Contact Diane Miller of the Midwest Region of the National Park Service in Omaha. Diane can be reached at:

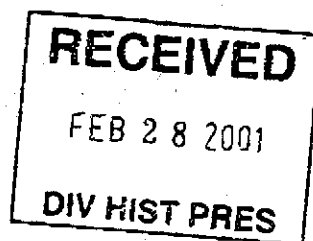
Midwest Region Office  
National Park Service  
1709 Jackson St.  
Omaha, NE 68102  
(402) 221-3749  
Dianne-Miller@nps.gov

We suspect that Ms. Miller would be very helpful in comparing this site with others that have claimed an association with the Underground Railroad.

Sincerely,

Richard A. Bernstein  
Compliance Historian

State Historical Society of Wisconsin  
DETERMINATION OF ELIGIBILITY FORM



SHSW #: 01-0081/WT/WK

Property name(s): Lischka-Schmidt Saloon

Address/Location: 2102 STH 164

City & County: Town of Richfield, Washington County

Town: T9N Range: R19E Section: S4

Date of Construction: Ca. 1903-1904; concrete block wing, ca. 1908

Certification:

As the designated authority under the National Historic Preservation Act, as amended, I hereby certify that this request for Determination of Eligibility        meets        does not meet the National Register of Historic Places criteria.

Patricia M. Warner for C.D. Cutshall 2-28-01  
Signature of Certifying Official/Title Date

State of Federal Agency and Bureau

In my opinion, the property        meets X does not meet the National Register criteria.

Alicia L. Gorman 4/6/01  
Signature of Commenting Official/Title Date

Division of Historic Preservation  
State Historical Society of Wisconsin  
816 State Street  
Madison, WI 53706

State Historical Society of Wisconsin  
DETERMINATION OF ELIGIBILITY FORM

RECEIVED

FEB 28 2001

DIV HIST PRES

SHSW #: D1-6081/WT/WK

Property name(s): Wittenberger-Westphal Farmstead

Address/Location: 2213 STH 164

City & County: Town of Richfield, Washington County

Town: T9N Range: R19E Section: S5

Date of Construction: Circa 1865-1992

Certification:

As the designated authority under the National Historic Preservation Act, as amended, I hereby certify that this request for Determination of Eligibility        meets        does not meet the National Register of Historic Places criteria.

Ruth M. Turner for Carol D. Caldwell  
Signature of Certifying Official/Title

2-28-01  
Date

State of Federal Agency and Bureau

In my opinion, the property        meets X does not meet the National Register criteria.

Alicia J. Goss  
Signature of Commenting Official/Title

4/6/01  
Date

Division of Historic Preservation  
State Historical Society of Wisconsin  
816 State Street  
Madison, WI 53706



State of Wisconsin  
Scott McCallum, Governor

Department of Agriculture, Trade and Consumer Protection  
Ben Brancel, Secretary

February 14, 2001

Mary Ellen O'Brien  
Transportation Environmental Management  
313 Price Place, Suite 207  
Madison, WI 53705

Re: County Highway J /STH 164 Reconstruction  
(IH-94 to CTH E)  
Waukesha and Washington Counties  
Project ID: 2748-01-01

Dear Mary:

Thank you for your letter regarding the above project. The department will evaluate the project when a final construction alternative is selected. At that time we will have more information on the details of the project and will be to evaluate the project's potential impacts on agricultural resources.

If you have any questions, please call me at 608.224.4760.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Nauth".

Peter Nauth  
Agricultural Impact Program





DEPARTMENT OF THE ARMY

ST. PAUL DISTRICT, CORPS OF ENGINEERS  
ARMY CORPS OF ENGINEERS CENTRE  
190 FIFTH STREET EAST  
ST. PAUL, MN 55101-1638

June 1, 2000

REPLY TO  
ATTENTION OF  
Construction-Operations  
Regulatory (99-05450-JBK)

Mr. Richard C. Madrzak  
U.S. Department of Transportation  
Federal Highway Administration  
4502 Vernon Boulevard  
Madison, Wisconsin 53705-4905

Dear Mr. Madrzak:

This letter is in response to your request for the Army Corps of Engineers, St. Paul District, to participate as a cooperating agency for the purpose of an EIS development. This work would be done as part of the STH 164 improvement project between I-90 and STH 175, Waukesha and Washington Counties, Wisconsin.

We concur with your request, and look forward to working with your office and the Wisconsin Department of the Transportation during the EIS development process. Mr. James Knowles of our Waukesha field office will represent the St. Paul District, and serve as the Corps project manager.

If you have any questions, contact Mr. Knowles in our Waukesha office at (262) 547-3064. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

*for Ralph J. Auger*  
Char M. Hauger  
Chief, Regulatory Branch



DEPARTMENT OF THE ARMY

ST. PAUL DISTRICT, CORPS OF ENGINEERS  
ARMY CORPS OF ENGINEERS CENTRE  
190 FIFTH STREET EAST  
ST. PAUL, MN 55101-1638

REPLY TO  
ATTENTION OF

November 28, 2000

Construction-Operations  
Regulatory (99-05450-JBK)

Mr. Brad Heimlich  
CH2MHill  
135 South 84th Street  
Milwaukee, WI 53214

Dear Mr. Heimlich:

This letter is in regard to the proposed reconstruction of CTH J and STH 164, and a request for concurrence to the "Purpose and Need" and "Alternatives" for detailed study put forth as part of this project. The project site is located in Waukesha County and Washington County, Wisconsin.

As you know, we have taken a close look at this project; and have raised some concerns within regard to both "Purpose and Need" and "Alternatives."

It appears that the justification for this proposal is well explained. Therefore, we concur with the "Purpose and Need" for the proposal.

In addition, the alternatives that have been examined to date have included a thorough consideration of the practicability of numerous routes that may fulfill the purpose and need for the proposal. It appears that the on-alignment alternative, with minor variations, which is being carried forward for detailed study, is consistent with requirements contained in the 404(b)(1) guidelines, the main criteria for determining practicability under Section 404 of the Clean Water Act. Therefore, we also concur with those alternatives selected for detailed examination.

If you have any questions, contact James B. Knowles in our Waukesha office at (262) 547-3064. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,

*for Ralph Auger*  
for Char M. Hauger  
Chief, Regulatory Branch

C-7



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Green Bay ES Field Office  
1015 Challenger Court  
Green Bay, Wisconsin 54311-8331  
Telephone 920/465-7440  
FAX 920/465-7410

June 24, 1999

Ms. Mary Ellen O'Brien  
Transportation Environmental  
Management Incorporated  
313 Price Place, Suite 207  
Madison, Wisconsin 53705

re: Project I.D. 2748-01-01  
STH 164(CTH J) Reconstruction Study  
(Capital Drive to STH 175)  
Washington and Waukesha Counties

Dear Ms. O'Brien:

The U.S. Fish and Wildlife Service has received your letter dated June 21, 1999, requesting comments on the subject project. Due to staff time constraints and priority work activities, we are able to only review your project for potential impacts to federally-listed threatened and endangered species or those proposed for listing. Be advised that other environmental concerns may be associated with this project such as wetland and stream impacts, erosion control needs, and effects on state-listed threatened or endangered species. State or federal permits may be needed, as well, if stream or wetland impacts will occur. If resource impacts are expected to occur, we recommend that you forward this project to the appropriate Wisconsin Department of Natural Resources office for their review.

Please provide us copies of any future review documents that may be associated with this project or of future projects you may be planning that would require Service review. This will allow us to keep our files current. We will provide comments as time and work priorities allow.

### Federally-Listed Threatened and Endangered Species

A review of information in our files indicates that no federally-listed threatened or endangered species occur in Washington County. Our records indicate the following federally-listed threatened or endangered species occur in Waukesha County:

<u>Classification</u>	<u>Common Name</u>	<u>Scientific Name</u>	<u>Habitat</u>
threatened	eastern prairie fringed orchid	<u>Platanthera</u> <u>leucophaea</u>	wet grasslands

Due to the nature and location of the proposed activities, we conclude that the above listed species will not be affected. This precludes the need for further action on this project as required by the 1973 Endangered Species Act, as amended. Should the project be modified or new information become available that indicates listed or proposed species may be affected, consultation should be initiated.

We appreciate the opportunity to respond. Questions pertaining to these comments can be directed to Mr. Ronald Spry by calling 920-465-7440.

Sincerely,

*Janet M. Smith*

Janet M. Smith  
Field Supervisor



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

DEC 21 2000

REPLY TO THE ATTENTION OF

B-19J

Philip E. Barnes, Assistant Division Administrator  
Federal Highway Administration, Wisconsin Division  
Highpoint Office Park  
567 D'Onofrio Drive  
Madison, WI 53719-2814

Re: Concurrence with Purpose and Need and Alternatives for the County J/WIS 164 Corridor  
Reconstruction Project

Dear Mr. Barnes:

We are issuing this letter to clarify the U.S. Environmental Protection Agency's (U.S. EPA) position regarding the October 25, 2000 Purpose and Need section and Alternatives section that you have forwarded to reviewing agencies for their concurrence. We issued a letter on November 29, 2000 providing your agency with some comments on Purpose and Need for this project and a preliminary concurrence with the alternatives selected for detailed evaluation. After further discussions with your agency and further evaluation of the resulting information, we have come to a more complete understanding of the project than we had at the time of the November 29<sup>th</sup> letter. The comments written in this letter supercede the comments written in the November 29, 2000 letter.

As stated before, U.S. EPA has responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act to review Environmental Impact Statements (EISs). We have further committed to be involved in early coordination on transportation projects that will result in EISs through the NEPA/404 merged review process.

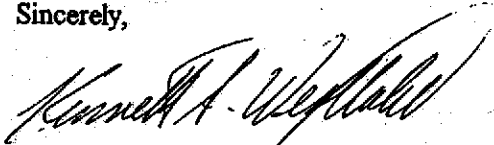
We understand that FHWA and WisDOT will be fulfilling their NEPA responsibilities for this project using a Draft EIS that covers activities in both Waukesha and Washington Counties. The Federal Highway Administration (FHWA) and Wisconsin Department of Transportation (WisDOT) plan to conduct a reevaluation of the DEIS when construction activities in the Washington County portion of the project will be considered. We now understand that FHWA will be including a commitment in their Record of Decision (ROD) that will state that construction activities for Washington County will not be initiated until the threshold of 13,000 Average Daily Traffic (ADT) is exceeded.

We also have requested that FHWA provide U.S. EPA-Region 5 with a copy of the written NEPA EIS re-evaluation when it is conducted at some time in the future. FHWA has agreed to do this. Further, we discussed the need to have ongoing discussions between our agencies regarding the corridor preservation process, the NEPA EIS re-evaluation process and how these processes integrate into the NEPA/404 process.

We support the efforts of FHWA and Wisconsin WisDOT to evaluate this corridor in a comprehensive fashion through the EIS process. With FHWA's commitments listed above, FHWA has resolved our concerns with purpose and need and with the alternatives analysis. Therefore, we concur with the Purpose and Need for the project and the range of alternatives.

We appreciate this opportunity to clarify our comments on this project. We would be pleased to discuss our comments with you in greater detail. Please contact Newton Ellens at (312) 353-5562 or Sherry Kamke at (312) 353-5794 with any questions regarding this project.

Sincerely,



Kenneth A. Westlake, Chief  
Environmental Planning and Evaluation Branch  
Office of Strategic Environmental Analysis

cc: Brad Heimlich, P.E., CH2M-Hill ✓  
Carol Cutshall, WisDOT



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

NOV 29 2000

REPLY TO THE ATTENTION OF

B-19J

Philip F. Barnes, Assistant Division Administrator  
Federal Highway Administration, Wisconsin Division  
Highpoint Office Park  
567 D'Onofrio Drive  
Madison, WI 53719-2814

Re: Preliminary Drafts of "Purpose and Need for Proposed Action" and "Alternatives"  
Sections for the County J/WIS 164 Route Reconstruction DEIS

Dear Mr. Barnes:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, we have reviewed the Preliminary "Purpose and Need for Proposed Action" (P and N) and "Alternatives" Sections for the County J/WIS 164 Route Reconstruction Draft Environmental Impact Statement (DEIS). CH2M Hill, a contractor for this project, requested comments on the documents, in accordance with the concurrent NEPA/404 review process. Accordingly, our comments are listed below.

We have concerns with how the P and N is substantiated. Basically, the stated purpose of the project is to provide a safe and efficient highway to serve existing and future traffic demand while minimizing disturbance to the natural and built environment. The stated need of the project is to address a combination of factors, including regional and local transportation and land use planning, system linkage and route importance, existing and future traffic, existing highway deficiencies, safety concerns, and corridor preservation. We can concur with the P and N, provided that the following concerns are addressed:

1. The P and N Section states that the Southeastern Wisconsin Regional Planning Commission (SEWRPC) conducts transportation and land use planning for a seven county region including Waukesha and Washington Counties (the location of the study area). SEWRPC produced the "2020 Regional Transportation System Plan" (2020 Plan), which, among other things, recommends functional improvements to be carried out. This plan recommends that the County J/WIS 164 Route be widened from a 2-lane to a 4-lane road. Although several alternatives are initially proposed in the "Alternatives" Section, many of the alternatives are screened out, because they do not fit the criteria of the 4-lane road in the 2020 Plan. Since the NEPA process was not implemented along with the 2020 Plan, a number of potentially feasible alternatives apparently will not be considered.

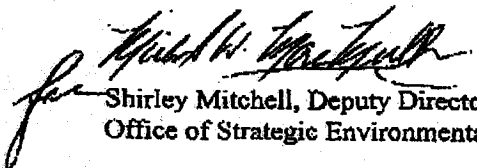
2. The P and N section states that traffic is expected to grow between 1.7 and 2.1 percent in the County J/WIS 164 Route Corridor, according to Wisconsin Department of Transportation and SEWRPC projections. However, according to the P and N, data shows that past growth rates exceed what was estimated. For example, data from a count station near Route 167 in Washington County indicates an annual growth rate of 5.7 percent. The inconsistency in growth rates is significant, since the difference between the two rates would determine whether the traffic volume on the County J/WIS 164 Route would exceed the stated threshold for an acceptable service level in Washington County (13,000 in average daily traffic). Therefore, this inconsistency should be resolved, so as to form a more solid case on whether there is a need to expand the route to a 4-lane roadway.
3. According to the P and N section, the need for transportation improvements is also related to corridor preservation. Corridor preservation is defined as a coordinated application of measures to protect right of way for a planned highway facility with minimum disruption to established and planned community development patterns. Contrary to our understanding of the import of the current text, the need to consider the opportunities for corridor preservation does not, in and of itself, provide independent substantiation for the need to select a 4-lane alternative for implementation.

In the "Alternatives" section, the project is divided into eight sections. A different set of alternatives are initially proposed for each section. There is a total of 49 alternatives for all of the sections. In addition to this, six other alternatives are considered. All of the alternatives are various combinations of roadway expansion, new construction, and lane improvement options. 35 alternatives were eliminated from further study. The remaining 20 alternatives seem to satisfy the project purpose, to different degrees. We expect to be able to concur with the "Alternatives" section, once the P and N is substantiated in accordance with the points raised above.

Thank you for the opportunity to review these documents. We look forward to reviewing the complete DEIS. At the time we review the DEIS, we will be looking for a proper mitigation strategy to address environmental impacts caused by the alternatives (e.g. air pollution from increased vehicle traffic, effects on wetlands).

Please contact Newton Ellens of my staff with any questions regarding this project. He can be reached at (312) 353-5562.

Sincerely,



Shirley Mitchell, Deputy Director  
Office of Strategic Environmental Analysis



# United States Department of the Interior

## NATIONAL PARK SERVICE

MIDWEST REGION

1709 JACKSON STREET

OMAHA, NEBRASKA 68102-2571

IN REPLY REFER TO:

55-01268(MWR-CRSP/G)

Ms. Mary Ellen O'Brien  
Transportation Environmental Management  
313 Prince Place, Suite 207  
Madison, Wisconsin 53705

FEB 15 2001

Dear Ms. O'Brien:

Thank you for the early coordination on the County J/WIS 164 corridor study, Wisconsin Department of Transportation (WDOT) project 2748-01-01. We have reviewed this proposal in regards to the Land and Water Conservation Fund (L&WCF) and the Urban Park and Recreation Recovery (UPARR) programs. There is no potential for any impact to park and recreation areas developed with assistance under the UPARR program.

We do however, want to advise that the Bugline Recreation Trail was acquired with assistance from the L&WCF program in grant 55-01268 entitled Menomonee Falls - Merton Park Trail. Accordingly, this trail is encumbered with Section 6(f)(3) of the L&WCF Act of 1965. Section 6(f)(3) states: "No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location."

Your December 8, 2000 correspondence indicates that the Bugline Trail would remain essentially at its present location with a box culvert being constructed to carry WIS 164 traffic over the trail. While this does not appear to us to be an adverse impact to the trail, we encourage you to continue coordination with Waukesha County and to also consult with the Wisconsin Department of Natural Resources for an official determination. The administrator for the L&WCF in Wisconsin is Mr. Craig L. Karr, Director, Division of Customer Services and External Relations, Department of Natural Resources, P.O. Box 7921, Madison, Wisconsin 53707.

Sincerely,

Robert Anderson  
Program Leader - Grants



# Advisory Council On Historic Preservation

The Old Post Office Building  
1100 Pennsylvania Avenue, NW, #809  
Washington, DC 20004

DEC 27 2000

Jaclyn Lawton  
Federal Highway Administration  
Highpoint Office Park  
567 D'Onofrio Drive  
Madison, Wisconsin 53719-2814

REF: Proposed Reconstruction of CTH J/STH 164  
Waukesha and Washington Counties, Wisconsin

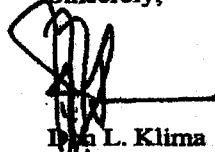
Dear Ms. Lawton:

On November 27, 2000, we received your notification of adverse effect for the referenced undertaking which was submitted in accordance with 36 CFR § 800.6(a)(1) of our regulations, "Protection of Historic Properties" (36 CFR Part 800). Because you have not included the necessary background documentation, we are unable to determine whether Appendix A of the regulations, *Criteria for Council Involvement in Reviewing Individual Section 106 Cases*, applies to this undertaking. Accordingly, we request that you submit the following documentation, as specified in 36 CFR § 800.11(e), so that we can determine whether our participation in the consultation to resolve adverse effects is warranted.

- A description of the undertaking, specifying the Federal involvement, and its area of potential effects, including photographs, maps, drawings, as necessary;
- A description of the steps taken to identify historic properties;
- A description of the affected historic properties, including information on the characteristics that qualify them for the National Register;
- A description of the undertaking's effects on historic properties;
- An explanation of why the criteria of adverse effect were found applicable or inapplicable, including any conditions or future actions to avoid, minimize or mitigate adverse effects; and
- Copies or summaries of any views provided by consulting parties and the public.

Upon receipt of this information, we will notify you within 15-days of our decision. Should you have any questions, please contact Laura Dean at 202-606-8527 or by email at [ldcan@achp.gov](mailto:ldcan@achp.gov).

Sincerely,



John L. Klima  
Director  
Office of Planning and Review



# MENOMINEE INDIAN TRIBE OF WISCONSIN

P.O. Box 910  
Keshena, WI 54135-0910

June 30, 1999

CH2MHill  
Brad Heimlich  
411 E. Wisconsin Avenue, Suite 1600  
Milwaukee, WI. 53202-2090

RE: Project I.D. 2748-01-01  
County: Waukesha/Washington

Dear Mr. Heimlich:

I have received and reviewed your project correspondence. At this time the Menominee Tribe has no known sites within the project area. However, we would like to be considered interested parties, and should any archaeological or cultural resources be uncovered please notify us. The Menominee Tribe is always concerned with potential impacts to ancestral remains, or cultural resources.

A second concern revolves around the use of borrow in your project. Can you tell us if the borrow for your project is coming from a source that has been surveyed for archaeological resources?

As always, we ask your project keep our cultural interests in mind. Historically Menominee cultural interests were overlooked, and have been disproportionately impacted by the destruction, or disturbance of burials, sacred sites, and traditional cultural properties.

In closing, we would like to remind you that it is always possible an inadvertent discovery will occur. Should that happen, we request you notify us. If you have any questions please call me at (715) 799-5258.

Respectfully;

A handwritten signature in black ink, appearing to read "Chad Waukechon".

Chad Waukechon  
Cultural Planner  
Historic Preservation,  
Menominee Indian Tribe

**FOREST COUNTY POTAWATOMI COMMUNITY**

P. O. BOX 340  
CRANDON, WI 54520

July 8, 1999

Mr. Brad Heimlich  
CH2MHILL  
411 East Washington, Suite 1600  
Milwaukee, WI 53202

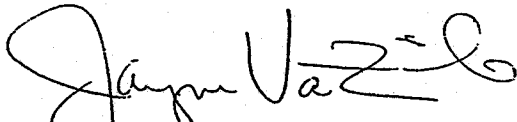
Re: Waukesha and Washington Counties  
ID 2748-01-01

Dear Mr. Heimlich:

We have received your letter concerning the aforementioned project. We are very much interested in the results of the records and literature search and the archaeological survey. We are also concerned about any "ground disturbing activity" that may occur as a result of the project that could disturb "undiscovered cultural resources." An archaeological survey does not detect all cultural resources and human remains within the survey area. It is always possible that during construction an inadvertent discovery may occur, it is at that time we would like to be notified.

The Forest County Potawatomi are interested in this project area. At several times in our history we were known to occupy many areas in what is presently the State of Wisconsin, including Waukesha and Washington Counties. This is why we are particularly interested in this project. Please forward records and literature searches, as well as the archaeological surveys for our files and review. If you have any questions please call me at 715-478-7476.

Respectfully,



Mr. Jayme Van Zile (Magizi)  
Researcher  
Forest County Potawatomi

CC: Clarice Werle



## **HO-CHUNK HERITAGE PRESERVATION DEPARTMENT**

**ARCHEOLOGY•BURIAL SITES PROTECTION•HISTORY•REPATRIATION**

P.O. Box 667 Black River Falls, WI 54615 Phone (715) 284-7181 or (800) 561-9918 FAX (715) 284-7449

July 22, 1999

Brad Heimlich  
CH2MHILL  
P.O. Box 2090  
Milwaukee, WI 53201-2090

Dear Brad Heimlich:

RE: I.D. 2748-01-01, Waukesha County

Thank you for your letter of notification dated June 23, 1999, pursuant to Section 106, National Historic Preservation Act (NHPA) as amended through 1992 by the National Historic Preservation Act Amendments of 1992. Thank you for informing us that CH2MHILL is under contract to WisDOT for engineering, environmental, public involvement and agency coordination services for the above proposed project. You have requested comments.

The Ho-Chunk Nation would discourage implementation of the above proposed construction project I.D. 2748-01-01, Waukesha and Washington Counties. Although the Nation does not have specific information showing the existence of prehistoric or historic sites at or near the above proposed Waukesha and Washington Counties construction site, history has shown that members of the Ho-Chunk Nation have occupied and/or lived in much of the State of Wisconsin.

At the earliest convenience, please send all available information on the proposed construction project including a copy of the Major Investment Study, Draft Environmental Impact Statement and any other studies pertinent to the project area.

Thank you for your attention in this regard.

Sincerely,  
HO-CHUNK CULTURAL RESOURCES DIVISION

  
Susette La Mere, Manager

C: Chloris Lowe, Executive Director Heritage Preservation  
President Jacob Lonetree, Ho-Chunk Nation  
Enclosures



## GOVERNMENT CENTER

16281 Q Road • Mayetta, Kansas 66509

Ph. (785) 966-2255

February 16, 2001

Mr. Brad Heimlich  
**CH2MHILL**  
135 South 84<sup>th</sup> Street, Suite 325  
Milwaukee, WI 53214

Dear Mr. Heimlich:

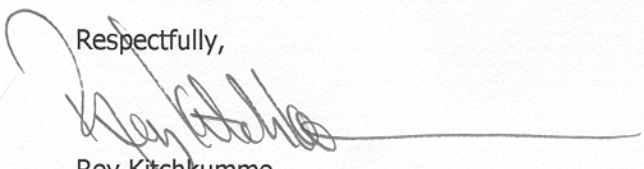
I am writing to inform you that I am in receipt of your recent National Historic Preservation Act (NHPA), Section 106 and Section 110, related correspondence dated December 4, 2000.

After reviewing the contents of your recent mailing we would like to inform you that we have no objections to **CH2MHILL** and **WisDOT's Project I.D. 2748-01-01** in **Waukesha** and **Washington Counties, Wisconsin**.

At this time we are unaware of any historical cultural resources in the proposed development area. Although, we do request to be immediately contacted if any inadvertent discoveries are uncovered at anytime throughout the various phases of the project.

Please feel free to call me at (785) 966-4019 or additional information can be faxed to (785) 966-4021. We look forward to working with you.

Respectfully,

  
Rey Kitchkumme  
Tribal Council Member  
Cultural Preservation Officer  
Prairie Band Potawatomi Nation

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## **Aerial Photo Exhibit**

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# Aerial Map Legend

-----	Centerline of STH 164/County J
————	Wetland Boundaries
<div>W4</div>	Wetland Number
<div>R4</div>	Noise Receptor Location
<div>●</div>	Potential Relocation - Residential
<div>▲</div>	Potential Relocation - Business
<div>†</div>	Church
<div>†</div>	Cemetery
<div></div>	New Building Not Shown on Aerials

**NOTE:** In project sections where a best fit alternative has not been identified (e.g. Section 4), the relocations shown on the aerial exhibit are for widening west, east, and down the middle of existing WIS 164. The number of relocations will be reduced when the preferred alternatives (best fit location) are identified in those sections.